

HOUSE BILL NO. 415

INTRODUCED BY V. JACKSON

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE LEGISLATURE'S INTENT TO PROVIDE A BASIC SYSTEM OF FREE QUALITY PUBLIC ELEMENTARY AND SECONDARY SCHOOLS; DEFINING "BASIC SYSTEM" AND "QUALITY PUBLIC ELEMENTARY AND SECONDARY SCHOOLS"; AMENDING SECTIONS 20-1-101 AND 20-9-307, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Legislative intent to provide basic system of free quality public elementary and secondary schools. (1) The legislature recognizes that quality public education depends upon

the shared responsibilities of state government, local communities, public school officials, parents, and students.

(2) The cooperation between the state, local communities, public school officials, parents, and students is necessary to ensure that each student in the state is provided an equal opportunity to receive a quality public education.

(3) It is the intent of the legislature, pursuant to its obligation under Article X, section 1, of the Montana constitution, to provide for a basic system of free quality public elementary and secondary schools that will allow, assist, and encourage each student to develop the student's full educational potential.

Section 2. Section 20-1-101, MCA, is amended to read:

"20-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Agricultural experiment station" means the agricultural experiment station established at Montana state university-Bozeman.

(2) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time pupils attending the public schools of a district.

(3) (a) "Basic system", as used in Article X, section 1(3), of the Montana constitution, [section 1], and 20-9-307, means the minimum operating revenue for the elementary and high schools in each district.

(b) The term does not include any revenue required for debt retirement, payment of costs related to an adult education program, kindergarten, a recreation program, or a school lunch and cafeteria program, new buildings, new property, or transportation.

~~(3)~~(4) "Board of public education" means the board created by Article X, section 9, subsection (3), of the Montana constitution and 2-15-1507.

~~(4)~~(5) "Board of regents" means the board of regents of higher education created by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1505.

~~(5)~~(6) "Commissioner" means the commissioner of higher education created by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1506.

~~(6)~~(7) "County superintendent" means the county government official who is the school officer of the county.

~~(7)~~(8) "District superintendent" means a person who holds a valid class 3 Montana teacher certificate with a superintendent's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a district superintendent.

~~(8)~~(9) "K-12 career and vocational/technical education" means organized educational activities that have been approved by the office of public instruction and that:

(a) offer a sequence of courses that provide a pupil with the academic and technical knowledge and skills that the pupil needs to prepare for further education and for careers in the current or emerging employment sectors; and

(b) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills of the pupil.

~~(9)~~(10) "Principal" means a person who holds a valid class 3 Montana teacher certificate with an applicable principal's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a principal. For the purposes of this title, any reference to a teacher must be construed as including a principal.

~~(10)~~(11) "Pupil" means a child who is 6 years of age or older on or before September 10 of the year in which the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-101(3)

but has not yet reached 19 years of age and who is enrolled in a school established and maintained under the laws of the state at public expense. For purposes of calculating the average number belonging pursuant to 20-9-311, the definition of pupil includes a person who has not yet reached 19 years of age by September 10 of the year and is enrolled under 20-5-101(3) in a school established and maintained under the laws of the state at public expense.

~~(11)~~(12) "Pupil instruction" means the conduct of organized instruction of pupils enrolled in public schools while under the supervision of a teacher.

(13) "Quality public elementary and secondary schools", as used in Article X, section 1(3), of the Montana constitution, [section 1], and 20-9-307, means schools, as evaluated by the local boards of trustees, that:

(a) instill joy of learning;

(b) develop learning skills;

(c) develop worthy use of leisure;

(d) develop personal responsibility;

(e) develop analytical skills;

(f) instill love of country;

(g) instill civic and home responsibility;

(h) develop intellectual skills;

(i) instill a healthy lifestyle;

(j) develop employment skills; and

(k) instill moral character.

~~(12)~~(14) "Regents" means the board of regents of higher education.

~~(13)~~(15) "School food services" means a service of providing food for the pupils of a district on a nonprofit basis and includes any food service financially assisted through funds or commodities provided by the United States government.

~~(14)~~(16) "State board of education" means the board composed of the board of public education and the board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

~~(15)~~(17) "State university" means Montana state university-Bozeman.

~~(16)~~(18) "Superintendent of public instruction" means that state government official designated as a member of the executive branch by the Montana constitution.

(17)(19) "System" means the Montana university system.

(18)(20) "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher certificate that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who is employed by a district as a member of its instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an emergency authorization of employment has been issued under the provisions of 20-4-111.

(19)(21) "Textbook" means a book or manual used as a principal source of study material for a given class or group of students.

(20)(22) "Textbook dealer" means a party, company, corporation, or other organization selling, offering to sell, or offering for adoption textbooks to districts in the state.

(24)(23) "Trustees" means the governing board of a district.

(22)(24) "University" means the university of Montana-Missoula.

(23)(25) "Vocational-technical education" means vocational-technical education of vocational-technical students that is conducted by a unit of the Montana university system, a community college, or a tribally controlled community college, as designated by the board of regents."

Section 3. Section 20-9-307, MCA, is amended to read:

"20-9-307. BASE funding program -- district general fund budget -- funding sources. (1) A basic system of free quality public elementary and secondary schools ~~and high schools~~ must be established and maintained throughout the state of Montana to provide equality of educational opportunity to all school-age children.

(2) The state shall in an equitable manner fund and distribute to the school districts the state's share of the cost of the basic ~~school~~ system through BASE aid to support the BASE funding program in the manner established in this title.

(3) The budgetary vehicle for achieving the financing system established in subsection (2) is the general fund budget of the school district. The purpose of the district general fund budget is to finance those instructional, administrative, facility maintenance, and other operational costs of a district not financed by other funds established for special purposes in this title.

(4) The BASE funding program for the districts in the state is financed by a combination of the following sources:

1 (a) county equalization money, as provided in 20-9-331 and 20-9-333;

2 (b) state equalization aid, as provided in 20-9-343, including guaranteed tax base aid for eligible districts
3 as provided in 20-9-366 through 20-9-369;

4 (c) appropriations for special education;

5 (d) a district levy, as provided in 20-9-303, for support of a school not approved as an isolated school
6 under the provisions of 20-9-302; and

7 (e) district levies or other revenue, as provided by 20-9-308 and 20-9-353."
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9 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
10 integral part of Title 20, chapter 1, part 1, and the provisions of Title 20, chapter 1, part 1, apply to [section 1].
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12 **NEW SECTION. Section 5. Effective date -- applicability.** [This act] is effective on passage and
13 approval, and applies to school budgets for the school fiscal years beginning on or after July 1, 2006.
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